

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of:	)	
	)	
Implementation of Sections 309(j) and 337	)	
of the Communications Act of 1934 as	)	
Amended	)	
	)	WT Docket No. 99-87
SOUTH SOUND 911	)	
	)	
	)	
	)	
	)	

**REQUEST FOR MANUFACTURING WAIVER  
SOUTH SOUND 911  
EXPEDITED ACTION REQUESTED**

The multiple regional public safety partner agencies who are signatories to this Petition, collectively known as SOUTH SOUND 911 (Petitioners), respectfully requests a waiver (herein referred to as manufacturing waiver request) of the prohibition in Section 90.203(j)(10) of Federal Communications Commission ("Commission" or "FCC") rules<sup>1</sup> on the manufacture and import of wideband (25 kHz) capable equipment. In 2012, the Petitioners, at that time referred to as the Regional Public Safety Partners in Pierce County, Washington, requested<sup>2</sup> and the Commission subsequently granted a waiver until December 31, 2014, of the Commission's January 1, 2013 VHF/UHF narrowbanding deadline, which requires private land mobile radio licensees in the 150-174 MHz and 450-512 MHz bands to operate using channel bandwidth of no more than 12.5 kHz or equivalent efficiency by January 1, 2013.<sup>3</sup> Petitioners seek this manufacturing waiver in order to ensure a safe, orderly and cost-effective transition from multiple existing VHF/UHF systems to the

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<sup>1</sup> See 47 C.F.R. §90.203(j)(10) (manufacture and import restrictions).

<sup>2</sup> See Request for Waiver of Commission Rules, filed April 6, 2012, by Regional Public Safety Partners in Pierce County, Washington (Waiver Request), and amended on September 21, 2012. See also Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, Third Memorandum Opinion and Order and Third Further Notice of Proposed Rule Making and Order, WT Docket No. 99-87, 19 FCC Rcd 25045 (2004).

<sup>3</sup> See Order in the Matter of REGIONAL PUBLIC SAFETY PARTNERS IN PIERCE COUNTY, WASHINGTON, DA 12-1796, released November 9, 2012, waiving 47 C.F.R § 90.209(b) until December 31, 2014.

700/800 MHz county-wide trunking environment currently being deployed by the Petitioners, as discussed in the Petitioners' April 6<sup>th</sup>, 2012 waiver request, which was subsequently amended on September 21, 2012. The Petitioners seek a waiver of the manufacturing prohibition in Section 90.203(j)(10) on behalf of all the Petitioners' manufacturers providing two-way radio equipment to the 150-174 MHz and 450-470 MHz bands, to allow them to continue manufacturing multi-mode (25 kHz and 12.5 kHz) radios between the January 1, 2013 and December 31, 2014 FCC granted operating deadline.

## **1. Background**

As detailed in the above footnote 2, Petitioners filed a request for a waiver of the January 1, 2013 narrowband deadline pursuant to the 2011 Public Notice<sup>4</sup> released by the Commission. On November 9, 2012, the Commission granted Petitioners a waiver until December 31, 2014, of the Commission's January 1, 2013 VHF/UHF narrowband deadline.

The waiver granted to the Petitioners by the Commission allows Petitioners to continue operating equipment in 25 kHz mode through December 31, 2014, but it does not enable Petitioners to order new multi-mode (25 kHz and 12.5 kHz) radio equipment that is capable of operating in 25 kHz as well as 12.5 kHz, which is critical to maintain continued 25 kHz interoperability during the build out of the new system during the duration of the waiver period. These new radios are multi-band devices (VHF and 700/800 MHz or UHF and 700/800 MHz), which will allow a seamless transition to the new county-wide 700/800 MHz trunking system being installed. The Petitioner's VHF/UHF to 700/800 MHz trunked network migration plan was detailed in the original waiver request filed by the Petitioners.<sup>5</sup>

In 2012, the South Sound 911 agencies ordered approximately 2900 dual-mode, dual-band mobile radios from our contracted system provider, Motorola Solutions, Inc. (Motorola Solutions, MSI). Motorola Solutions manufactured and delivered approximately 900 of those radios in 2012, all capable of operating in both 25 kHz and 12.5 kHz mode in the VHF or UHF bands, as well as 12.5 kHz in the 700/800 MHz band. In 2013 South Sound 911 plans to order approximately 3,300 more radios. However, due to the prohibition in Section 90.203(j)(10) of FCC rules on the

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<sup>4</sup> See Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering Technology Provide Reminder of January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters, Public Notice, DA 11-1189 (July 13, 2011) ("Public Notice").

<sup>5</sup> See Footnote 2 above.

manufacture and import of wideband (25 kHz) capable equipment after the January 1, 2013 deadline, all equipment manufactured and shipped to the Petitioners by MSI after January 1, 2013 has been limited to 12.5 kHz operation in all bands, due to MSI implementing 12.5 kHz mode as the automatic default mode in all Part 90 VHF/UHF radio equipment manufactured after the start of this year. Therefore, the limited number of devices that have been delivered to date in 2013 are not able to interoperate with the legacy 25 kHz VHF/UHF equipment, and the Petitioners have determined that, due to this interoperability issue, we cannot take delivery of any additional new units unless they are capable of dual-mode 12.5/25 kHz operation.

Our intent is to initially use these new radios on the legacy 25 kHz VHF/UHF system and then transition them for 12.5 kHz operation on the new 700/800 MHz system. As the remaining legacy VHF and UHF operations are phased out by the December 31, 2014 waiver grant date, the 25 kHz mode will be disabled in all radios. At that point, all of these devices will be operating in 12.5 kHz mode, which will then also be the interoperability mode across the new 700/800 MHz. Lack of 25 kHz capability in these radios prevents a safe and orderly transition to our new P25 digital trunked public safety radio system in the 700/800 MHz frequency band.

Because of space limitations in many public safety vehicles, we cannot install more than one mobile radio (the existing 25 kHz VHF radio plus the new dual-band 700/800 MHz/VHF radio) into these vehicles to achieve interoperability with the legacy networks. In addition to vehicular space limitations, a two radio approach would be a very costly and time consuming transition, requiring the vehicles to be out of service to not only install the new radio but then to remove the old radio.

In late 2012, Motorola Solutions filed a Request for Limited Waiver<sup>6</sup> of Section 90.203(j)(10) of the Commission's rules on behalf of all manufacturers arguing that a Commission grant of that blanket waiver would serve the public interest by ensuring that all licensees that have been granted a waiver to continue operation in 25 kHz can maintain essential interoperability and system reliability during their narrowband transition within the timeline extended specifically by the Commission for each waiver grantee. The Petitioners agree with MSI that such a manufacturing waiver, whether granted as a blanket waiver to all narrowband waiver recipients and their suppliers, or only to those specifically requesting such relief, will guarantee that licensees such as those in South Sound 911 which have been granted an operating waiver will retain the ability to purchase equipment to keep their current 25 kHz systems fully functional and interoperable, while they

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<sup>6</sup> See Request for Limited Waiver by Motorola Solutions, Inc., dated November 29, 2013.

migrate to new narrowband 12.5 kHz systems; in our case, to the new 700/800 MHz trunked system. This relief is critical, to allow us to continue to deploy newly-manufactured radios that are both multi-mode (25 kHz and 12.5 kHz) and multi-band (VHF and 700/800 MHz or UHF and 700/800 MHz). This will allow the Petitioners, via a cost-effective single purchase of radio equipment, to continue to ensure system reliability and interoperability in the 25 kHz mode on the existing VHF and UHF systems, then transition to 12.5 kHz operation on the county-wide 700/800 MHz trunked system.

## **2. Conclusion**

The Petitioners cannot stress enough that the impact on reliability and interoperability caused by mixed mode 25 kHz and 12.5 kHz emissions operation on mission critical communications is unacceptable, due to the potential impact it can have to the safety of our first responders and the citizens they serve. Ordering narrow band radios would prevent our continued migration of the existing disparate VHF/UHF systems to the county-wide 700/800 MHz trunked network. In lieu of the Commission not granting a blanket waiver to all manufacturers and waiver holder licensees per the MSI request for limited waiver, the Petitioners urge the Commission to grant the South Sound 911 agencies covered under the September 21, 2012 waiver this specific manufacturing waiver request on an expedited basis to allow us to continue the new system implementation.

Respectfully Submitted,



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March 14, 2013